Violation of party whip

3280. SHRI CHIMANBHAI MEHTA:

SHRI SOM PAL:

SHRIMATI MIRA DAS:

SHRI SARADA MOHANTY:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Supreme Court has made any clarificatory observation with regard to Anti-defection law, if so, what are the details thereof;

(b) what constitute the violation of the whip in the light of latest Supreme Court observation;

(c) what is the authority that issues whip and what is the procedure to issue the same; and

(d) what is the proof that the whip has been delivered to the concerned members?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) Yes. Sir. The Suppreme Court of India delivered a judement on 12th November, 1991 in Transfer Petition (Civil) No. 40 of 1991. Shri Kihota Hollohon vs. Mr. Zachilhu and others, in which it has upheld the constitutional validity of the Tenth Schedule to the Constitution except Para 7 thereof. The detailed reasons for its conclusion were given by the Supreme Court in its judgement dated 18th February, 1992 which has been reported in Supreme Court Almanac (No. 1992(1). SCALE-338).

(b) The views of the Supreme Court in this regard are contained in para 49 of the detailed majority judgement of 18th February, 1992.

(c) and (d) The question regarding the authority competent to issue a whip and the procedure to be followed in this regard relates to the functioning of political parties in Parliament and State Legislatures and is to be decided by the political parties themselves.

3281. [*Transferred to the 31st March, 1992*].

Vacant posts of Judges in Supreme Court and High Courts

3282. SHRI PRAMOD MAHAJAN:

SHRI SHANKAR DAYAL SINGH:

SHRI RAGHAVJI:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what are the details of vacancies of Judges in Supreme Court and various High Courts as on date; and

(b) what steps Government have are taking to fill them up?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARMANGALAM): (a) The requisite information is given in the enclosed statement. (*See* below).

(b) For filling up the vacancies of Judges in High Courts and the Supreme Court the process of consultation among the Constitutional authorities concerned has been expedited.